



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/300,348 | 04/27/1999 | DOUGLAS E. MEISNER | 07844/334001 | 4364 |

21876 7590 07/15/2003

FISH & RICHARDSON P.C.
500 ARGUELLO STREET
SUITE 500
REDWOOD CITY, CA 94063

| |
|----------|
| EXAMINER |
|----------|

POKRZYWA, JOSEPH R

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2622

DATE MAILED: 07/15/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/300,348

Applicant(s)

MEISNER ET AL.

Examiner

Joseph R. Pokrzywa

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on April 30, 2003, and has been entered and made of record. Currently, *claims 1-44* are pending.

Drawings

2. The corrected or substitute drawings were received on April 30, 2003. These drawings are acceptable.

Response to Arguments

3. Upon review of the prior art cited in the previous Office action dated January 14, 2003, the examiner notes that the reference of Sugiarto *et al.* (U.S. Patent Number 6,278,449) can still be interpreted as anticipating the independent claims, as amended.

4. Applicant's arguments filed April 30, 2003 have been fully considered but they are not persuasive.

5. In response to applicant's arguments regarding the rejection of amended independent **claims 1 and 27**, which were cited in the Office action dated January 14, 2003, as being anticipated by Sugiarto *et al.* (U.S. Patent Number 6,278,449), whereby applicant argues on pages 9 and 10 that Sugiarto fails to teach of automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of variations generated using the alternative compression settings. While the examiner

Art Unit: 2622

agrees with the applicant, in that there are fundamental differences between Sugiarto's teachings and the present invention, the examiner notes that the claims, as currently worded, can still be interpreted as being taught by Sugiarto. Particularly, Sugiarto teaches of retrieving current user settings reflective of desired settings for compressing the image, being the settings stored in the configuration file, as read in column 5, line 26 through column 6, line 51. Further, Sugiarto discloses of automatically deriving alternative compression settings including compression settings scaled from the current user settings, as read in column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user, and whereby the compression ratios can be entered based on an image that is already in the configuration file, which would, thereby being scaled from the current user settings. Continuing, Sugiarto teaches of presenting a plurality of variations of the image to the user where each variation is generated using one or more compression settings, whereby as seen in Fig. 6, and read in column 6, lines 41 through 65, upon depression of the refresh target button 625, any of the images derived from changing the various compression ratios are displayed, thereby presenting a plurality of variations of the image. Because of these reasons, one of ordinary skill in the art can still interpret Sugiarto as anticipating the claims, as currently worded.

6. Therefore, the rejection of independent **claims 1 and 27**, as well as dependent **claims 2-5, and 18-26**, as cited in the Office action dated 1/14/03, under 35 U.S.C. 102(e), as being anticipated by Sugiarto *et al.*, is maintained for the newly amended claims, with a full discussion appearing below. Similarly, Sugiarto can be interpreted as anticipating the newly added independent **claims 33 and 39**, with a full discussion appearing below.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. **Claims 1-5, 18-30, and 33-44** are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiarto *et al.* (U.S. Patent Number 6,278,449, cited in the Office action dated 1/14/03).

Regarding **claim 1**, Sugiarto discloses a method of preparing an image for downloading over a link (see abstract) comprising receiving a user selection for an image to prepare (column 2, lines 27 through 35, and column 4, lines 12 through 35, and column 5, line 56 through column 6, line 40), retrieving current user settings reflective of desired settings for compressing the image (being the settings stored in the configuration file, as read in column 5, line 26 through column 6, line 51), automatically deriving alternative compression settings including compression settings scaled from the current user settings (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a

Art Unit: 2622

user, and whereby the compression ratios can be entered based on an image that is already in the configuration file, which would, thereby being scaled from the current user settings), and presenting a plurality of variations of the image to the user where each variation is generated using one or more compression settings (see Fig. 6, column 6, lines 41 through 65, wherein upon depression of the refresh target button 625, any of the images derived from changing the various compression ratios are displayed, thereby presenting a plurality of variations of the image).

Regarding *claim 2*, Sugiarto discloses the method discussed above in claim 1, and further teaches of estimating an amount of time required to download a given variation to the user where the estimated time is calculated from an assumed transmission rate of the link (see Fig. 6, time 620, column 6, lines 34 through 65).

Regarding *claim 3*, Sugiarto discloses the method discussed above in claim 1, and further teaches of determining a file format for the image (column 3, lines 52 through 57) and using the current user settings designated for the file format in presenting a representation of the image (column 5, line 56 through column 6, line 65, column 7, lines 32 through 55, and column 8, line 51 through column 9, line 6).

Regarding *claim 4*, Sugiarto discloses the method discussed above in claim 3, and further teaches that the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data (column 8, line 51 through column 9, line 6).

Regarding *claim 5*, Sugiarto discloses the method discussed above in claim 4, and further teaches of the step of determining an optimum file format for the image includes determining a predominant form for objects in the image (column 3, lines 52 through 57, and column 4, lines

Art Unit: 2622

35 through 53, seen in Fig. 7) and the step of automatically deriving includes scaling compression settings from the current user settings where the particular settings that are scaled depend on the predominant form of the image (see Fig. 7, and column 6, lines 41 through 51, wherein the particular compression settings depend on the most predominant web page portion).

Regarding *claim 18*, Sugiarto discloses the method discussed above in claim 1, and further teaches that the step of presenting a plurality of variations includes receiving a user selection that defines a number of variations that are to be presented to the user and generating the number of variations selected (column 6, lines 34 through 65, wherein each time the refresh target button 625 is selected, a particular variation is displayed).

Regarding *claim 19*, Sugiarto discloses the method discussed above in claim 18, and further teaches of adjusting the scaling of the current user settings for each variation depending on the number of automatic variations that are to be presented (column 6, lines 34 through 65).

Regarding *claim 20*, Sugiarto discloses the method discussed above in claim 1, and further teaches of displaying the image at the current user settings (see Fig. 6, column 34 through 65).

Regarding *claim 21*, Sugiarto discloses the method discussed above in claim 20, and further teaches of displaying the image at current user defined compression settings along with three variations in a four-up orientation on an output display device (see Fig. 3, column 6, lines 34 through 59, and column 7, line 56 through column 8, line 19).

Regarding *claim 22*, Sugiarto discloses the method discussed above in claim 1, and further teaches of a first set of compression settings is derived by scaling the current user settings (column 5, line 39 through column 6, line 54, wherein the compression ratios can be entered

Art Unit: 2622

based on an image that is already in the configuration file, which would, thereby being scaled from the current user settings) and a second set of compression settings is derived by scaling the first set of compression settings (column 6, lines 41 through 65, wherein once the first set of compression settings are in the configuration file, a new compression ratios can be entered).

Regarding *claim 23*, Sugiarto discloses the method discussed above in claim 1, and further teaches of receiving user modifications to the current user settings and generating a variation of the image using the modified user settings (column 6, lines 41 through 59).

Regarding *claim 24*, Sugiarto discloses the method discussed above in claim 23, and further teaches of recalculating compression settings for each presented variation of the image using the modified user settings and re-generating each variation using the recalculated compression settings (see Fig. 6, column 6, lines 25 through 65).

Regarding *claim 25*, Sugiarto discloses the method discussed above in claim 1, and further teaches that each variation of the image is a smaller and lower quality version relative to the image produced using the current user settings (see Fig. 6, column 6, lines 34 through 59).

Regarding *claim 26*, Sugiarto discloses the method discussed above in claim 1, and further teaches that the estimated download time is presented along with each variation of the image (see Fig. 6, time 620).

Regarding *claim 27*, Sugiarto discloses a computer program (column 4, line 59 through column 5, line 8, and column 9, lines 1 through 29) for preparing an image for downloading over a link (see abstract), the computer program includes instructions for causing the computer to receive a user selection for an image to prepare (column 2, lines 27 through 35, and column 4, lines 12 through 35, and column 5, line 56 through column 6, line 40), retrieve current user

Art Unit: 2622

settings reflective of desired settings for compressing the image (being the settings stored in the configuration file, as read in column 5, line 26 through column 6, line 51), automatically derive alternative compression settings including compression settings scaled from the current user settings (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user, and whereby the compression ratios can be entered based on an image that is already in the configuration file, which would, thereby being scaled from the current user settings), and present a plurality of variations of the image to the user where each variation is generated using one or more alternative compression settings (see Fig. 6, column 6, lines 41 through 65, wherein upon depression of the refresh target button 625, any of the images derived from changing the various compression ratios are displayed, thereby presenting a plurality of variations of the image).

Regarding **claim 28**, Sugiarto discloses the program discussed above in claim 27, and further teaches of instructions for causing a computer to estimate an amount of time required to download a given variation to the user where the estimated time is calculated from an assumed transmission rate of the link (see Fig. 6, time 620, column 6, lines 34 through 65).

Regarding **claim 29**, Sugiarto discloses the program discussed above in claim 27, and further teaches of instructions for causing a computer to determine a file format for the image (column 3, lines 52 through 57) and use the current user settings designated for the file format in presenting a representation of the image (column 5, line 56 through column 6, line 65, column 7, lines 32 through 55, and column 8, line 51 through column 9, line 6).

Regarding **claim 30**, Sugiarto discloses the program discussed above in claim 29, and further teaches that instructions for causing a computer to determine a file format include

Art Unit: 2622

instructions for causing a computer to determine an optimum file format for the image based on a predominant nature of the image data (column 8, line 51 through column 9, line 6).

Regarding *claim 33*, Sugiarto discloses a computer-implemented method for preparing an image for downloading over a link (see abstract), with the method comprising receiving a one or more compression settings for compressing the image (being the settings stored in the configuration file, as read in column 5, line 26 through column 6, line 51), automatically deriving alternative compression settings that are different from the received compression settings (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user, and whereby different compression ratios can be entered), and using one or more alternative compression settings to generate a plurality of variations of the image (see Fig. 6, column 6, lines 41 through 65, wherein upon depression of the refresh target button 625, any of the images derived from changing the various compression ratios are displayed, thereby generating a plurality of variations of the image).

Regarding *claim 34*, Sugiarto discloses the method discussed above in claim 33, and further teaches that automatically deriving alternative compression settings includes deriving alternative compression settings based on the received compression settings (column 6, lines 41 through 65).

Regarding *claim 35*, Sugiarto discloses the method discussed above in claim 34, and further teaches that deriving the alternative compression setting based on the received compression settings includes scaling the received compression settings (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon

Art Unit: 2622

selection by a user, and whereby different compression ratios can be entered, therein scaling the compression settings).

Regarding *claim 36*, Sugiarto discloses the method discussed above in claim 33, and further teaches that receiving one or more compression settings includes receiving one or more compression settings based on user input (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user).

Regarding *claim 37*, Sugiarto discloses the method discussed above in claim 33, and further teaches that generating a plurality of variations of the image includes generating a variation of the image using received compression settings (column 6, lines 54 through 62).

Regarding *claim 38*, Sugiarto discloses the method discussed above in claim 33, and further teaches of concurrently displaying two or more of the plurality of variations of the image (column 6, lines 11 through 65, and column 9, lines 30 through 50).

Regarding *claim 39*, Sugiarto discloses a computer program (column 4, line 59 through column 5, line 8, and column 9, lines 1 through 29) for preparing an image for downloading over a link (see abstract), the computer program includes instructions for causing the computer to receive a one or more compression settings for compressing the image (being the settings stored in the configuration file, as read in column 5, line 26 through column 6, line 51), automatically derive alternative compression settings that are different from the received compression settings (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user, and whereby different compression ratios can be entered), and use one or more alternative compression settings to generate a plurality of variations of the image (see Fig. 6, column 6, lines 41 through 65, wherein upon depression of

Art Unit: 2622

the refresh target button 625, any of the images derived from changing the various compression ratios are displayed, thereby generating a plurality of variations of the image).

Regarding *claim 40*, Sugiarto discloses the program discussed above in claim 39, and further teaches that instructions for causing a computer to automatically derive alternative compression settings include instructions for causing a computer to derive alternative compression settings based on the received compression settings (column 6, lines 41 through 65).

Regarding *claim 41*, Sugiarto discloses the program discussed above in claim 40, and further teaches that instructions for causing a computer to derive alternative compression settings based on the received compression settings include instructions for causing a computer to scale the received compression settings (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user, and whereby different compression ratios can be entered, therein scaling the compression settings).

Regarding *claim 42*, Sugiarto discloses the program discussed above in claim 39, and further teaches that instructions for causing a computer to receive one or more compression settings include instructions for causing a computer to receive one or more compression settings based on user input (column 6, lines 44 through 51, wherein the system automatically derives alternative compression settings upon selection by a user).

Regarding *claim 43*, Sugiarto discloses the program discussed above in claim 39, and further teaches that instructions for causing a computer to generate a plurality of variations of the image include instructions for causing a computer to generate a variation of the image using received compression settings (column 6, lines 54 through 62).

Regarding **claim 44**, Sugiarto discloses the program discussed above in claim 39, and further teaches of instructions for causing a computer to concurrently display two or more of the plurality of variations of the image (column 6, lines 11 through 65, and column 9, lines 30 through 50).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 6-8, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto *et al.* (U.S. Patent Number 6,278,449, cited in the Office action dated 1/14/03) in view of Boezeman *et al.* (U.S. Patent Number 6,012,068, cited in the Office action dated 1/14/03).

Regarding **claim 6**, Sugiarto discloses the method discussed above in claim 5, but fails to particularly teach if the predominant form is selected from the group of photographic and line art. Boezeman discloses a method of preparing an image for downloading over a link (column 8, lines 27 through 60, and column 10, lines 49 through 65) comprising receiving a user selection for an image to prepare (column 8, lines 38 through 46), retrieving current user settings reflective of desired settings for compressing the image (column 8, line 54 through column 9, line 45), and automatically presenting variations of the image using compression settings that are scaled from the current user settings (column 10, lines 49 through 55). Further, Boezeman teaches of determining a file format for the image (column 9, lines 33 through 40) and using the current

Art Unit: 2622

user settings designated for the file format in presenting a representation of the image (column 8, line 54 through column 9, line 45), wherein the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data (column 8, line 54 through column 9, line 45), the step of determining an optimum file format for the image includes determining a predominant form for objects in the image (column 8, line 54 through column 9, line 45) and the step of automatically presenting includes scaling compression settings from the current user settings where the particular settings that are scaled depend on the predominant form of the image (column 10, lines 49 through 65). Continuing, Boezeman further teaches that predominant form is selected from the group of photographic and line art (column 9, lines 34 through column 10, line 55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding *claim 7*, Sugiarto and Boezeman disclose the method discussed above in claim 6, and Boezeman further teaches of determining if the predominant form is photographic and if so, setting the optimum file format to a JPEG/JFIF format (column 9, lines 34 through 50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding *claim 8*, Sugiarto and Boezeman disclose the method discussed above in claim 6, and Boezeman further teaches of determining if the predominant form is line-art and if so,

Art Unit: 2622

setting the optimum file format to a GIF format (column 9, line 34 through column 10, line 14, wherein line-art, being simple graphics such as lines, curves, and shapes, are well known in the art to inherently be in a GIF format). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding *claim 16*, Sugiarto discloses the method discussed above in claim 4, but fails to particularly teach of inspecting the image to determine if any pixel in the image is transparent, and if so, setting the optimum file format to a GIF format. Boezeman discloses a method of preparing an image for downloading over a link (column 8, lines 27 through 60, and column 10, lines 49 through 65) comprising receiving a user selection for an image to prepare (column 8, lines 38 through 46), retrieving current user settings reflective of desired settings for compressing the image (column 8, line 54 through column 9, line 45), and automatically presenting variations of the image using compression settings that are scaled from the current user settings (column 10, lines 49 through 55). Further, Boezeman teaches of determining a file format for the image (column 9, lines 33 through 40) and using the current user settings designated for the file format in presenting a representation of the image (column 8, line 54 through column 9, line 45), wherein the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data (column 8, line 54 through column 9, line 45). Continuing, Boezeman further teaches that the step of determining an optimum file format includes inspecting the image to determine if any pixel in the image is transparent, and if so, setting the optimum file format to a GIF format (column 9, line 37 through

Art Unit: 2622

column 10, line 14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

Regarding **claim 17**, Sugiarto discloses the method discussed above in claim 4, but fails to teach of inspecting the image to determine if the image includes more than one animation frame, and if so, setting the optimum file format to a GIF format. Boezeman discloses a method (discussed above in claim 16), comprising the step of determining an optimum file format includes inspecting the image to determine if the image includes more than one animation frame, and if so, setting the optimum file format to a GIF format (column 9, line 37 through column 10, line 14). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Boezeman's teachings in the system of Sugiarto. Sugiarto's system would easily be modified to include Boezeman's teachings, as the systems share cumulative features, being additive in nature.

11. **Claims 9-15, 31, and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto *et al.* (U.S. Patent Number 6,278,449, cited in the Office action dated 1/14/03) in view of Rhoads (U.S. Patent Number 5,748,763, cited in the Office action dated 1/14/03).

Regarding **claims 9**, Sugiarto discloses the method discussed above in claim 4, but fails to specifically teach of calculating an amount of noise in the image, setting the optimum file format to a JFIF format if the amount of noise is above a predefined threshold, and otherwise setting the optimum file format to a GIF format. Rhoads teaches of determining an optimum

Art Unit: 2622

format by calculating an amount of noise in the image (column 42, lines 13 through 51), setting the optimum file format to a JFIF format (being JPEG File Interchange Format) if the amount of noise is above a predefined threshold, and otherwise setting the optimum file format to a GIF format (column 57, lines 10 through 37). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 10*, Sugiarto and Rhoads disclose the method discussed above in claim 9, and Rhoads further teaches that the step of calculating an amount of noise includes for each pixel in the image, comparing a relative color change between the pixel and one or more adjacent pixels to derive relative color change data (column 38, lines 28 through 54), determining an overall color change for the image using the relative color change data for each pixel (column 35, lines 10 through 40, and column 39, line 9 through column 40, line 24), and comparing the overall color change to the threshold value (column 38, lines 28 through 54, and column 39, line 52 through column 40, line 24). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 11*, Sugiarto and Rhoads disclose the method discussed above in claim 10, and Rhoads further teaches that the step of comparing the relative color change includes deriving a first set of color change data for a pixel by comparing the color of the pixel with a pixel immediately next in raster order (column 17, lines column 28, lines 10 through 27, and

Art Unit: 2622

column 38, lines 28 through 54). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 12*, Sugiarto and Rhoads disclose the method discussed above in claim 11, and Rhoads further teaches that the step of comparing the relative color change includes deriving a second set of color change data for the pixel by comparing the color of the pixel with a pixel at a same location in a next scanline of pixels for the image (column 21, line 52 through column 22, line 3, and column 34, line 54 through column 35, line 40, and column 38, lines 28 through 54). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 13*, Sugiarto and Rhoads disclose the method discussed above in claim 12, and Rhoads further teaches that the step of determining an overall color change includes for each color change data set, summing all the color change data and averaging over the image (column 21, line 8 through column 22, line 3). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 14*, Sugiarto and Rhoads disclose the method discussed above in claim 9, and Rhoads further teaches that the step of determining an overall color change includes

Art Unit: 2622

summing all the color change data for the image and averaging over the image (column 10, lines 11 through 41). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 15*, Sugiarto and Rhoads disclose the method discussed above in claim 9, and Rhoads further teaches that the step of comparing a relative color change determines an actual color difference irrespective of a perceptual color difference (column 8, line 50 through column 9, line 12). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claims 31*, Sugiarto discloses the program discussed above in claim 30, but fails to specifically teach of instructions for causing a computer to calculate an amount of noise in the image, set the optimum file format to a JFIF format if the amount of noise is above a predefined threshold, and otherwise set the optimum file format to a GIF format. Rhoads teaches of determining an optimum format by calculating an amount of noise in the image (column 42, lines 13 through 51), setting the optimum file format to a JFIF format (being JPEG File Interchange Format) if the amount of noise is above a predefined threshold, and otherwise setting the optimum file format to a GIF format (column 57, lines 10 through 37). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings

Art Unit: 2622

of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Regarding *claim 32*, Sugiarto and Rhoads disclose the program discussed above in claim 30, and Rhoads further teaches that the instructions for causing a computer to calculate an amount of noise include instructions causing a computer to, for each pixel in the image, compare a relative color change between the pixel and one or more adjacent pixels to derive relative color change data (column 38, lines 28 through 54), determine an overall color change for the image using the relative color change data for each pixel (column 35, lines 10 through 40, and column 39, line 9 through column 40, line 24), and compare the overall color change to the threshold value (column 38, lines 28 through 54, and column 39, line 52 through column 40, line 24). Therefore, it would have been obvious to a person of ordinary skill in the art to include the teachings of Rhoads in the system of Sugiarto. Sugiarto's system would easily be modified to incorporate the teachings of Rhoads, therein conforming to well known standards for graphic images, as recognized by Rhoads.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2622

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

jrj
July 13, 2003

J.R.P.
Joseph R. Pokrzywa
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600